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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,353	12/27/2006	Naoki Kanada	2565-0300PUS1	9553
2292 7590 08/21/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
DEAN, JR, JOSEPH E				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
08/21/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/591,353

Applicant(s)

KANADA ET AL.

Examiner

JOSEPH DEAN, JR

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 3, 6, 8 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The examiner withdraw 101 rejections for claims 12 and 13, the applicant revised claims to make statutory subject matter.
2. The applicant amended claims 2-8 and 11-16.
3. Applicant cancelled claims 1, 9 and 10.
4. Applicant added new claims 14-16.
5. Status of Claims:

Claims 2-8, 11-16 are pending.

Claims 1, 9 and 10 are cancelled.

Response to Arguments

6. Applicant's arguments see Remark section , filed 05/11/09, with respect to the rejection(s) of claim(s) 2-8 and 11-13 under 102/103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn for claims 2, 4 and 5. However, upon further consideration, a new ground(s) of rejection is made in view of Green (US 5,926,133) and McCorkie et al. (US20030161411), Raith (US6826394), Heeswky et al (US6298050) and Levin et al. (US5654979) for claims 3, 6, 8, 11-16.

Claim Rejections - 35 USC § 103

7. Claims 3, 6, 12 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green (US 5,926,133) further in view of McCorkie et al. (US20030161411) (hereinafter McCorkie)

Per claim 3, Green discloses ~~the~~ A mobile station of claim 4, which communicates with a base station by using a direct sequence system comprising (Fig 5, Rover 16; col.6 lines 34-39): a special call part configured to request initiation of a special call (col.3 lines 64-66; col.15, lines 9-12); and a mobile station side transmission part configured to (Fig 5, Rover 16), in response to a request from the special call part (col.3 line 66, col. 6 lines 61-63), generate a special radio wave signal of high power spectrum density and transmit it to the base station(col.6 lines 61-63), wherein the mobile station side transmission part generates the special radio wave signal of high power spectrum density (col. 6, lines 61-63), but fails to disclose wherein the mobile station side transmission part includes a special code generation part to generate a special code of a direct-current component, and a spread modulation part to perform spread modulation of an information signal by using the special code generated by the special code generation part, and generating the special radio wave by performing spread modulation of the information signal by using the special code of the direct-current component.

However, McCorkie discloses wherein the mobile station side transmission part includes a special code generation part to generate a special code of a direct-current component (paragraphs 0025, 0258 and 0261), and a spread modulation part to perform spread modulation of an information signal by using the special code generated by the special code generation part (paragraph 0181 and 0251), and generating the special radio wave by performing spread modulation of the information signal by using the special code of the direct-current component (paragraph 0181 and 0251).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Green and McCorkie as a whole to produce the invention as claimed with a reasonable expectation of achieving overall efficiency in detecting signal which reduces interference .

Per claim 6, Green discloses ~~the~~ A mobile station of claim 4, which communicates with a base station by using a direct sequence system comprising (Fig 5, Rover 16; col.6 lines 34-39): a special call part configured to request initiation of a special call (col.3 lines 64-66; col.15, lines 9-12); and a mobile station side transmission part configured to (Fig 5, Rover 16), in response to a request from the special call part (col.3 line 66, col. 6 lines 61-63), generate a special radio wave signal of high power spectrum density and transmit it to the base station(col.6 lines 61-63) , but fails to disclose wherein the mobile station side transmission part generates the special radio wave signal of same power as power used in the direct sequence system, and of a narrower band than a band used in the direct sequence system.

However, McCorkie discloses wherein the mobile station side transmission part generates the special radio wave signal of same power as power used in the direct sequence system (paragraph 0212), and of a narrower band than a band used in the direct sequence system (paragraph 0212).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined

teachings of Green and McCorkie as a whole to produce the invention as claimed with a reasonable expectation of achieving a low power source with less interference.

Per claim 7, Green discloses a communication control method ~~for~~ performed by a mobile station side to communicate with a base station by using a direct sequence system, comprising:

requesting ~~to initiate~~ initiation of a special call (col.3 lines 64-66); and in response to the request ~~for initiation of~~ ing to initiate the special call (col.3 line 66, col.6 lines 61-63), generating a special radio wave signal of high power spectrum density and transmitting ~~it- the special radio wave signal~~ to the base station (col.6 lines 61-63), but fail to disclose wherein the special radio wave signal is generated of same power as power used in the direct sequence system, and of a narrower band than a band used in the direct sequence system.

However, McCorkie discloses wherein the special radio wave signal is generated of same power as power used in the direct sequence system, and of a narrower band than a band used in the direct sequence system (paragraph 0212)

Same motivation as in claim 6.

Per claim 12, refer to same rationale as explained in claim 6.

Per claim 15, Green and McCorkie discloses the mobile station of claim 3, wherein the mobile station side transmission part performs communication by using the special radio wave signal until a session with the base station is established (col.6 lines 29-39 and 45-60).

Per claim 16, refer to same rationale as explained in claim 15.

7. Claims 8, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green and McCorkie (US20030161411) in view of Raith et al. et al. (US6826394) (hereinafter Raith).

Per claim 8, Green discloses a base station which communicates with a plurality of mobile stations by using direct sequence system (col. 6, lines 34-39), comprising: a base station side reception part to receive a special radio wave signal of high power spectrum density from the plurality of mobile stations (col. 6 lines 29-34); a detection part configured to detect whether the base station side reception part received the special radio wave signal (col. 7 lines 19-23); but fails to disclose, the special radio wave signal being generated of same power as power used in the direct sequence system, and of a narrower band than a band used in the direct sequence system, a base station side transmission part to transmit an assignment signal for assigning a channel to a mobile station which had transmitted the special radio wave signal detected by the detection part

McCorkie discloses the special radio wave signal being generated of same power as power used in the direct sequence system, and of a narrower band than a band used in the direct sequence system (paragraph 0212), but fails to disclose a base station side transmission part to transmit an assignment signal for assigning a channel to a mobile station which had transmitted the special radio wave signal detected by the detection part.

However, Raith discloses part to transmit an assignment signal for assigning a channel to a mobile station which had transmitted the special radio wave signal (col. 5 lines 35-49) detected by the detection part (col.5 lines 35-49, i.e. emergency flag)

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Green, McCorkie and Raith as a whole to produce the invention as claimed with reasonable expectation of achieving low power less interference and connectivity via channel assignment for emergencies.

Per claim 11, refer to same rationale as explained in claim 3 and 8.

Per claim 13, refer to same rationale as explained in claim 8.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green McCorkie , Heeswyk et al. (US6298050) (hereinafter van Heeswyk) and in view of Levin et al. (US5654979) (hereinafter Levin)

Per claim 14, Green and McCorkie discloses the mobile station of claim 3, but does not disclose further including a communication control part to restrict a bit rate of the information signal to be low when the mobile station side transmission part generates the special radio wave signal, in order to increase power spectrum density of the special radio wave signal by restricting the bit rate to be low.

However, van Heeswyk discloses further including a communication control part of the information signal to be low (col. 2 lines 5-12) when the mobile station side transmission part generates the special radio wave signal (col.2 lines 5-12), in order to

increase power spectrum density of the special radio wave signal by restricting the bit rate to be low (col.2 lines 5-12).

Van Heeswyk fails to disclose to restrict a bit rate.

However, Levin discloses to restrict a bit rate (col. 6 lines 48-54)

Motivation to combine may be gleaned from the prior art contemplated.

Therefore, one skilled in the art would have found it obvious from the combined teachings of Green and van Heeswyk and Levin as a whole to produce the invention as claimed with reasonable expectation of achieving connectivity with low voice activity under emergency situations.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEAN, JR whose telephone number is (571)270-7116. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corsaro Nick can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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